

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FREEPLAY MUSIC, LLC,)	Civil Action No.: 1:13-cv-5235-JPO
)	
Plaintiff.)	
)	
-against -)	
)	
MAKITA CORPORATION)	
and MAKITA U.S.A., INC.)	
)	
Defendants.)	

**NOTICE OF MAKITA CORPORATION'S MOTION TO DISMISS
THE THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Defendant Makita Corporation's Motion to Dismiss the Third Amended Complaint pursuant to Rule 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Makita Corporation respectfully moves the United States District Court for the Southern District of New York for an order dismissing the Third Amended Complaint in the above-captioned matter, or, alternatively, for an order dismissing the Fourth Claim for Relief.

REQUEST FOR ORAL ARGUMENT

Makita Corporation respectfully requests oral argument in connection with this Motion to Dismiss the Third Amended Complaint.

Respectfully submitted,

Date: April 4, 2014

KNOBBE MARTENS OLSON & BEAR, LLP

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